

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

PHILLIP SHACKLEFORD,

Petitioner

-vs-

Case No. C-3-04-376

ERNIE MOORE, WARDEN,

Respondent

District Court Judge Thomas M. Rose

**ENTRY AND ORDER OVERRULING PETITIONER'S OBJECTIONS (DOC. #9) AND
ADOPTING THE CHIEF MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATIONS (DOC. #7) DISMISSING WITH PREJUDICE PETITIONER'S
PETITION FOR HABEAS CORPUS (DOC. #1) AND AMENDED PETITION (DOC. #6),
DENYING PETITIONER CERTIFICATE OF APPEALABILITY AND TERMINATION
ENTRY.**

This matter comes before the Court pursuant to the Petitioner's Objections (Doc. #9), filed March 4, 2005, to the Chief Magistrate Judge's Report and Recommendations (Doc. #7) filed February 1, 2005. The Court has conducted a de novo review of all filings in this matter and finds the Objections (Doc. #9) not to be well-founded and OVERRULES same, ADOPTING the Chief Magistrate Judge's Report and Recommendations (Doc. #7) DISMISSING Petitioner's Petition (Doc. #1) and Amended Petition (Doc. #6) for Writ of Habeas Corpus.

In so ruling, this Court finds, as did the Chief Magistrate Judge, that the Grounds for Relief asserted in the Petitioner's original Petition and Amended Petition were procedurally defaulted.

This Court would also prospectively find that no reasonable jurist would dispute this result and would DENY any requested certificate of appealability and leave to proceed in forma pauperis

on appeal.

This matter is hereby ORDERED terminated upon the docket records of the United States District Court, Southern Division at Dayton, Ohio.

Therefore, this Court DISMISSES the Petitioner's Petition (Doc. #1) and Amended Petition (Doc. #6) for Writ of Habeas Corpus.

July 13, 2005

s/**THOMAS M. ROSE**

JUDGE THOMAS M. ROSE
United States District Court